

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTIONS 2, 5, 12 & 21

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO TRANSFER THE STATE DEPARTMENT OF
PUBLIC EDUCATION TO A CABINET DEPARTMENT HEADED BY A SECRETARY
OF PUBLIC EDUCATION WHO SHALL SERVE IN THE EXECUTIVE CABINET
AND TO CREATE AN ELECTED PUBLIC EDUCATION COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 12, Section 6
of the constitution of New Mexico to read:

"A. There is hereby created a "[~~state department~~
~~of~~] public education department" and a ["~~state board of~~
~~education~~". ~~The state board of education shall determine~~
~~public school policy and vocational educational policy and~~
~~shall have control, management and direction, including~~
~~financial direction, distribution of school funds and financial~~

. 145476B. 1

underscored material = new
[bracketed material] = delete

1 ~~accounting for all public schools, pursuant to authority and~~
2 ~~powers provided by law. The board shall appoint a qualified,~~
3 ~~experienced educational administrator to be known as the~~
4 ~~superintendent of public instruction, who shall, subject to the~~
5 ~~policies established by the board, direct] policymaking "public~~
6 ~~education commission". The department shall be a cabinet~~
7 ~~department headed by a secretary of public education who is a~~
8 ~~qualified, experienced educator who shall be appointed by the~~
9 ~~governor and confirmed by the senate. Under authority of the~~
10 ~~governor, the department secretary shall have control,~~
11 ~~management and direction, including financial direction,~~
12 ~~distribution of school funds and financial accounting for all~~
13 ~~public schools, pursuant to authority and powers provided by~~
14 ~~law. The operation of the [state department of] public~~
15 ~~education department shall be as provided by law.~~

16 B. Ten members of the ~~[state board of]~~ public
17 education commission who shall be state officers shall be
18 elected for staggered terms of four years as provided by law.
19 ~~[Board]~~ Commission members shall be residents of the ~~[board of]~~
20 public education commission district from which they are
21 elected. Change of residence of a ~~[board]~~ commission member to
22 a place outside the district from which he was elected shall
23 automatically terminate the term of that member.

24 ~~[C. Five members of the state board of education~~
25 ~~who shall be state officers shall be nominated and by and with~~

1 ~~the consent of the senate appointed by the governor from five~~
 2 ~~districts substantially equal in population for staggered~~
 3 ~~four year terms as provided by law. Those appointed by the~~
 4 ~~governor shall be qualified electors of the state of New~~
 5 ~~Mexico, no more than one half or a simple majority of whom at~~
 6 ~~the time of their appointment shall be members of the same~~
 7 ~~political party. After 1990, the number of appointed members~~
 8 ~~may be changed by law not to exceed five members.~~

9 ~~D.]~~ C. The governor shall fill vacancies on the
 10 [board] commission by appointment of a resident from the
 11 district in which the vacancy occurs until the next regular
 12 election for membership on the [board] commission.

13 ~~[E. Upon adoption of this amendment]~~ D. All
 14 functions relating to the distribution of school funds and
 15 financial accounting for the public schools shall be
 16 transferred to the [state department of] public education
 17 department to be performed as provided by law.

18 E. The members of the 2003 state board of education
 19 shall constitute the public education commission, if this
 20 amendment is approved, until their terms expire."

21 Section 2. The amendment proposed by this resolution
 22 shall be submitted to the people for their approval or
 23 rejection at the next general election or at any special
 24 election prior to that date that may be called for that
 25 purpose.

. 145476B. 1